

RG 3113597 / LS2

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF TEXAS
WESTERN DIVISION**

Progressive County Mutual Insurance Company)
As Subrogee of Thomas Rains)
5920 Landerbrook Drive)
Mayfield Heights, OH 44124)

Plaintiff,

v.)

Michael Corona)
329 Rio De Jazmin Circle)
El Paso, TX 79932)

And)

United States of America)
Serve: Ashley C. Hoff, U.S. Attorney)
601 NW Loop 410, Suite 600)
San Antonio, TX 78216)

Defendants.

CASE NO. [REDACTED] 3:22:00089

JUDGE: _____

PLAINTIFF'S COMPLAINT

Plaintiff, by and through counsel, and for its Complaint against Defendants, states the following:

Jurisdiction

1. This Court has jurisdiction over this Civil Action pursuant to the Federal Tort Claims Act, 28 U.S.C. 1346 since it arises from the conduct of Defendant Michael Corona ("Corona"), an employee of the United States of America ("USA"), who was acting in the course and scope of his/her employment.

Venue

2. Venue is proper in this District because the automobile accident from which this Civil Action arises occurred in the State of Texas, specifically in the area of Interstate 10, near mile post 102, in Sierra Blanca, Hudspeth County, Texas.

Facts

3. At all times relevant hereto, Plaintiff, Progressive County Mutual Insurance Company, provided an automobile insurance policy to its insured, Thomas Rains (“Rains”).
4. On or about December 16, 2020, while in the course and scope of his/her employment with the USA, Corona was operating a motor vehicle owned by the USA on Interstate 10, near mile post 102, in Sierra Blanca, Texas.
5. While operating said vehicle, Corona negligently caused a collision with a vehicle owned by Rains.
6. As a direct and proximate result of Corona’s negligence, Rains’ vehicle was damaged.
7. The aforesaid incident was the proximate result of Corona’s negligence and was not caused in any way by the actions or inactions of Rains or any third party.
8. Pursuant to its insurance policy with Rains, Plaintiff was obligated to, and did, pay the sum of \$10,726.79 to or on behalf of Rains, who sustained the \$495.00 deductible.
9. The USA is vicariously liable for the negligence of Corona, who was acting within the course and scope of his/her employment with the USA and in furtherance of the USA’s business.

10. On or about October 25, 2021, Plaintiff presented a Standard Form 95 claim for damages to Defendant USA pursuant to the terms of the Federal Tort Claims Act (28 U.S.C. 2675).
11. Upon information and belief, the USA has not accepted or rejected this claim.
12. Plaintiff, pursuant to its subrogation rights, seeks the sum of \$11,221.79 from Defendants.

WHEREFORE, Plaintiff request Judgment against Defendants, jointly and severally, in the amount of \$11,221.79 with statutory interest from the date of judgment plus costs of this action.

Respectfully submitted,
Rathbone Group, LLC

/s/ Jessica Lobes

Jessica R. Lobes / SBN 24083405
Jared B. Hall / SBN: 24055615
Jehaan “Gigi” Mattar / SBN: 24092774
5930 Royal Lane, Ste E #515
Dallas, TX 75230-3896
800-870-5521
216-298-4495 [fax]
JLobes@Rathbonegroup.com
JHall@Rathbonegroup.com
GMattar@Rathbonegroup.com